

7 FAM 640 PERSONAL ESTATES OF DECEASED U.S. CITIZENS

(TL:CON-7; 7-30-84)

7 FAM 640 (This is under the OLD Numbering Scheme)

7 FAM 640.1 Introduction

For nearly 200 years consular officers have been empowered to dispose of the personal estates of citizens who die abroad. As early as 1792, laws were enacted by Congress giving consular officers certain powers and authority in estates of deceased citizens, provided they were consistent with the laws of the country to which the consular officers were accredited.

Basically, three specific steps were required of consular officers as "provisional conservators"; namely, collecting assets, paying debts, and disbursing the remainder. These functions remain unchanged. In addition, consular officers should keep legal representatives apprised of the progress made in handling personal effects, to lessen the number of complaints which stem largely from the next of kin's lack of understanding of the procedures employed.

The following instructions are meant to serve as a guide to consular officers in handling estate cases systematically and in an efficient manner. They by no means encompass all of the circumstances, conditions, and procedures that must be considered in disposing of effects. Consular officers are encouraged to consult with the Department (CA/OCS/CCS) for appropriate guidance and assistance, as the neglect of duties in safeguarding personal estates may result in the institution of a civil suit in a U.S. court against the consular officer.

7 FAM 640.2 Definitions

The following terms are used frequently in services involved with settlement of estates of U.S. citizens abroad:

(1) "Administration" as it relates to an estate means the management and settlement of the estate of an intestate, or of a testator who has no executor, performed under the supervision of a court, by a person duly qualified. It usually involves collecting the decedent's assets, paying the debts, and distributing the remainder of the estate.

(2) "Affinity" means a relationship which one spouse has to blood relatives of the other spouse because of marriage.

(3) "Ancillary administration" means administration which is subordinate to the administration in effect at the place of the decedent's residence. It may be performed in any foreign state or country where assets are located and is usually for the purpose of collecting assets and paying debts there.

(4) "Beneficiary" means a person having the benefit of property of which a trustee, or executor, has the legal possession.

(5) "Codicil" means an addition, supplement, or modification to a will.

(6) "Collateral consanguinity" means the relationship that exists between persons who have the same ancestors, but who do not descend (ascend) one from the other, for example, an uncle and nephew.

(7) "Consanguinity" means the relationship of persons descended from a common ancestor.

(8) "Devise" means the testamentary disposition of land or other real estate.

(9) "Devisee" means a person to whom land or other real property is given by a will.

(10) "Distributee" means a person entitled to share in the distribution of an estate of one who died without leaving a will.

(11) "Executor" means a male appointed by the court to administer the estate of a testator.

(12) "Executrix" means a female appointed by the court to administer the estate of a testator.

(13) "Fiduciary" means a person holding a position similar to that of a trustee with a duty to act in good faith for the benefit of another person. A fiduciary relationship may exist between husband and wife, client and attorney, or executor and distributee.

(14) "Heir" means a person who inherits property by will or under a statute of descent and distribution.

(15) "Intestate" means without having made a will; also, "an intestate" means a decedent who leaves no will.

(16) "Legacy" means a disposition of real and personal property by will.

(17) "Legal representative" means an administrator or executor of a decedent's estate who has been duly appointed by an appropriate court, or an individual authorized by power of attorney to act in behalf of the person entitled to receive the personal effects of the decedent, or "legal representative" may be a

(a) Surviving spouse;

(b) Child of legal age;

(c) Parent;

(d) Sibling; or

(e) Next of Kin (nearest of kindred to the decedent; see item (23) below).

(18) "Legatee" means a person to whom a legacy is given.

(19) "Letters of administration" means an official statement, issued by a court, which authorizes a person to administer the estate of person who dies intestate. Letters of administration may also be issued when a testator makes a will without naming any executors, when the executor named in the will is incompetent or refuses to act, or when the executor named in the will is deceased.

(20) "Letters testamentary" means an official statement issued by a court authorizing the executor named in the will to administer the estate.

(21) "Lineal consanguinity" means that kind of relationship which exists between persons of whom one is descended or ascended in a direct line from the other, as between a particular person and the person's father, grandfather, or great-grandfather.

(22) "Mortis causa" means by reason of death.

(23) "Next of kin" means a person most nearly related to the decedent who can participate in the distribution of an estate.

(24) "Nisi" is a Latin term meaning "unless" and is often affixed to words such as "rule," "order," and "decree." It is used to indicate that a judgment will stand as valid and operative unless action is taken to avoid it.

(25) "Personal estate" means any property of the decedent that does not fall into the category of real estate. It includes furniture, household furnishings, motor vehicles, clothing, luggage, and other effects of a personal nature.

(26) "Per stirpes" means the method of dividing an intestate estate by which a group of distributees takes the share which the deceased would have been entitled to take.

(27) "Probate" means the act or process of proving a will before a competent judicial authority, such as a probate court.

(28) "Self-proving will" means a will that eliminates some of the formalities of proof by execution in compliance with the applicable statute. A will may be made self-proving by an affidavit of attesting witnesses in the form prescribed by statute.

(29) "Statute of descent and distribution" means a law prescribing the manner in which an estate is to be distributed among the heirs or relatives of an intestate person. The statute may be found under the section "descent and distribution" in the law digests of the Martindale-Hubbell Law Directory.

(30) "Succession" means the right by which an heir can take possession of the decedent's estate.

(31) "Testate" means leaving a valid will.

(32) "Testator" means a male decedent who dies testate.

(33) "Testatrix" means a female decedent who dies testate.

(34) "Will" is a legal expression or declaration of a person's wishes as to the disposition of the person's property, to be performed or to take effect after the person's death.

7 FAM 640.3 Authority

The statutory responsibility of consular officers for handling the estates of deceased citizens is set forth in title 22 of the U.S. Code, sections 4195 through 4197 (formerly sections 1175 through 1179; see section 7 FAM 640 Appendix A 640.3).

7 FAM 640.4 Treaty Provisions Regarding Estates

Consular officers should be familiar with the provisions of consular treaties, conventions, and agreements on estates in force, or pertaining to relations, between the United States and the host country.

a. Vienna Consular Convention

Article 5(g) of the Vienna Consular Convention provides that consular functions include safeguarding the interests of deceased U.S. citizens in accordance with the laws of the hostcountry. Consular officers should be familiar with this treaty provision in the Vienna Convention, which states:

Article 5, Consular functions

Consular functions consist in:

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- (g) safeguarding the interests of nationals, both individuals and bodies corporate, of the sending State in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

A current list of signatories to the Convention appears in chapter 102, Appendix B, and in section 7 FAM 640 Appendix A 640.4a .

b. Bilateral Consular Treaties

Many current bilateral consular conventions embody specific consular responsibilities for handling the personal estates of deceased citizens of countries which are parties to the conventions. However, U.S. consular officers are limited in the extent to which they can carry out these duties (see section 7 FAM 641.3). Generally, the provisions of the conventions include:

(1) Notice to a consular officer of the death of a citizen or of the death of a person in whose estate a citizen may have an interest;

(2) The right of a consular officer to act as provisional or temporary conservator of the property of the deceased citizen until an administrator is appointed;

(3) The right of a consular officer to act as the administrator of an estate of a citizen or of an estate in which a U.S. citizen may have an interest if no person having a superior right under the applicable local law is competent or willing to act.

(4) The right of a consular officer to represent the interests of citizens in estate proceedings within the consular officer's jurisdiction (see section 7 FAM 641.3).

(5) The right of a consular officer to receive distributive shares of estates and other death payments (see section 7 FAM 641.3).

7 FAM 641 RESPONSIBILITY

7 FAM 641.1 Action Office

The Office of Citizens Consular Services (CA/OCS/CCS) is the action office in the Department on all cases involving the personal estate of deceased U.S. citizens. Posts should address all inquiries to that office.

7 FAM 641.2 Consular Officer Responsibility

The U.S. Code (22 U.S.C. 4195; see section 7 FAM 640 Appendix A 640.3) requires that a consular officer or, if no consular officer is present, a diplomatic officer, must serve as “provisional conservator” of the personal effects of U.S. citizens who have died, or who resided at the time of death in the officer’s consular district, provided the decedent left no legal representative, partner in trade, or trustee to take care of the decedent’s estate.

The consular officer who actually takes possession and disposes of the personal estate of the deceased is the responsible officer. Upon departure from the post, either on transfer or extended leave, the consular officer is responsible for transferring accountability to a successor officer for any estate which is not closed. The succeeding officer then becomes the responsible officer.

A receipt should be used for this purpose, as shown in 7 FAM 641 Exhibit 641.2 .

a. When a Will Exists

When a will is found among the personal effects taken into possession by the consular officer, that officer should examine it immediately and make a preliminary determination as to whether it conforms to the requirements for recognition in accordance with the place where the will is to be operative. The Martindale-Hubbell Law Directory contains general information on the requirements of a will executed in each state in the United States as well as in a number of foreign countries. The responsibility to determine the validity of the will rests with probate courts. Consular officers are encouraged to consult with the Department (CA/OCS/CCS) for guidance before a will is offered for probate.

For information on the execution of acknowledgements of self-proving wills, see section 7 FAM 835.2 .

b. When a Legal Representative is Present

For purposes of establishing conditions under which a consular officer will act as “provisional conservator,” a legal representative may be a person who has been appointed by a court to administer the decedent’s estate, or the surviving spouse, child of adult age, parent, sibling, or next of kin. If any one of these persons is present in the consular district at the time of death, the consular officer has no statutory responsibility to act as provisional conservator of the estate of the deceased citizen.

The following examples illustrate circumstances under which the consular officer has the responsibility to act as provisional conservator because of the operation of U.S. law, a treaty, local law, or custom:

(1) A U.S. citizen dies intestate in Jamaica. The convention between the United States and the United Kingdom as it applies to Jamaica states that the competent local authority takes charge of the estate of a person who resided in the country until an administrator is judicially determined. The U.S. citizen had lived in Jamaica for a period of 22 years. The consular officer has no responsibility for handling the estate as provisional conservator but should lend assistance to the local authorities in locating interested parties.

(2) "X" is an elderly U.S. citizen who suddenly died of a heart attack while visiting his nephew in Athens. The surviving spouse of "X" is in the United States at the time of her husband's death. The U.S.-Greek Consular Convention provides that consular officers should preserve the interests of their citizens in case of death. Since the nephew does not qualify as legal representative, as the term is defined in section 7 FAM 640.2, item 17, the consular officer should perform his statutory responsibilities as provisional conservator.

(3) "T," who legally resided in Spain, took a 2-week vacation in Athens and died as a result of injuries sustained in an automobile accident. "T's" mother is a permanent resident of Spain. "T's" husband and adult children are living in Colorado at the time of death. The laws of both Spain and Greece permit consular officers to act as temporary conservators of the property of their deceased nationals. According to U.S. law, the consular officer has no statutory responsibility in the case of a decedent who leaves a legal representative present in the country of residence. In such a case, the consular officer has no statutory responsibility to take possession of "T's" personal effects in Spain, since the decedent's mother qualifies as "legal representative." However, the consular officer in Athens would take possession of "T's" personal effects which were left in that consular district, if no legal representative is present in the country of residence.

(4) "L," a business executive, died of a stroke in his rented apartment in Paris. His fourth and current wife was present at the time of death, and his son from a previous marriage arrived in Paris several hours later, demanding that the consular officer take possession of his father's personal effects. Meanwhile, local authorities have placed a seal on the apartment pending completion of an investigation as to the cause of death. From conversations with the son, the consular officer learns that "L" had executed a will disinheriting his fourth wife. The fourth Mrs. "L" is attempting to assert her rights to the personal effects in the apartment through a prominent American attorney. Regardless of the complexities of the case and the demands that may be placed upon a consular officer, there is clearly no statutory authority to take possession of the decedent's personal effects.

(5) "D," a U.S. citizen, and "E," his Philippine wife, died in an automobile accident in Manila. D and his wife were both residents of the Philippines. "D" had executed a will, naming his now deceased wife sole heir to his estate, which is under \$500. "E's" family members in Manila are demanding that they take possession and dispose of the estates of the husband and wife. The consular officer is aware that "D" has children in the United States from a previous marriage. There is no treaty in force between the United States and the Philippines on the extent of consular responsibilities in estates, and the local court authorities normally do not assume jurisdiction in cases involving assets under \$500. In the absence of a person who would qualify as the legal representative of "D," the consular officer should take possession of effects which can clearly be identified as "D's" personal estate.

c. When a Trustee for Personal Estate is Present

The U.S. Code (22 U.S.C. 4195) stipulates that the consular officer should not take possession or dispose of the personal estate of a deceased citizen who has left a "trustee by him appointed" in the country where the death occurred or where the deceased was residing at the time of death.

A trustee may be a person or corporation to whom property of the decedent is legally entrusted for the benefit of another person. If at the time of death the trustee (whether individual or corporation) holding the records pertaining to the trust is present in the country, the consular officer has no statutory duty to take possession and dispose of personal effects according to U.S. law. This is because death does not automatically terminate a trust agreement which is established to survive the testator; the trustee will continue to owe a fiduciary duty in managing the decedent's assets. Consular officers may find it worthwhile to communicate with the Department (CA/OCS/CCS) for additional guidance.

d. When a Partner in Trade is Present

Although the U.S. Code relieves the consular officer of responsibility if a "partner in trade" is present, the death of one member of a partnership automatically dissolves this relationship. Consequently, the surviving partner or partners have no beneficial interest as "partners in trade" in the personal estate of the deceased. The duties and responsibilities of provisional conservator of the personal estate, therefore, cannot be assumed by a surviving partner, unless the partner is authorized to act as a legal representative of the deceased. Accordingly, the presence of a former "partner in trade" may not relieve the consular officer of this responsibility.

e. When a Decedent's U.S. Citizenship is Doubtful

If a consular officer has been unable to establish the U.S. citizenship of a decedent even after checking with the Department (CA/OCS), but the consular officer has reason to believe that the decedent was a U.S. citizen, the consul should take appropriate measures to conserve the personal estate. These measures consist of sealing the premises of the decedent and/or taking physical possession of all personal effects (see section 7 FAM 642).

7 FAM 641.3 Consular Officer as Provisional Conservator

a. Administrator of Estate

The consular officer should not accept appointment from any foreign state or from a court in the United States to act as administrator or to assist in administering the personal estate of a deceased citizen without having obtained previously the permission of the Secretary of State.

b. Legal Services

Due to the prohibition against engaging in foreign business or professional activity, the consular officer should not act as attorney or agent for the estate. Neither should the consular office employ counsel at the expense of the U.S. Government in collecting and disposing of the personal estate of a deceased citizen.

c. Financial Responsibility

The consular officer, as provisional conservator, must not assume and should not incur any expense on behalf of an estate in excess of funds on hand or made available by other persons to collect and dispose of the estate. In the latter case, no expense should be incurred until funds have been received.

7 FAM 641.4 Responsibility in Exceptional Cases

a. Deceased Department of State Employees

(1) Abroad. The post administrative officer, not the consular officer, is responsible for reporting the deaths of persons employed by the Department. Telegraphic reports to the Department must bear the captions "OBIT/STATE," "OBIT/AID," or "OBIT/USICA," as appropriate, and TAGS symbol CASC. The consular officer should, however, inventory the personal estate and ensure that it is shipped at USG expense to the proper person.

(2) Domestic. The Bureau of Personnel and the Employee Services Center are responsible for reporting action taken following the death of Department employees. Consular officers should refer to 3 FAM 697 as the authority for deferring action to the administrative section.

b. Department of Defense

The Department of Defense (DOD) is responsible for disposing of the personal estates of its military personnel who have died abroad. If no DOD representative or other authorized person is present in the consular district or the host country in which the death occurred, the consular officer takes possession of the personal estate, pending instructions from DOD headquarters at Washington, D.C., or regional headquarters abroad. No fee is charged for such service.

NOTE: -- DOD's responsibility for the personal effects of deceased citizens does not extend to dependents of DOD military or civilian personnel, nor to civilian contractors of DOD and their dependents. The estates of such persons should be disposed of in accordance with procedures set forth in sections 7 FAM 642 through 7 FAM 648 .

c. Coast Guard

The U.S. Coast Guard is responsible for disposing of the personal estates of its military and civilian personnel who die abroad. If no representative of the Coast Guard or other authorized person is present in the consular district or the host country in which the death occurred, the consular officer takes possession of the personal estate, pending instructions from the Coast Guard headquarters at Washington, D.C. No fee is charged for such service.

NOTE: Coast Guard responsibility for the personal effects of deceased citizens does not extend to dependents of Coast Guard personnel.

d. On the High Seas

There is no express provision of law authorizing the consular officer to take possession and dispose of the personal estate of a U.S. Citizen, other than a seaman, who dies on the high seas.

e. Aboard Vessel of American Registry

If the death of a U.S. citizen other than a seaman occurs on board an American vessel, the consular officer should request the master of the vessel, in the absence of an authorized person, to take custody and return the personal estate to the shipping company in the United States for forwarding to the legal representative or other authorized person.

f. Aboard Vessel of Foreign Registry

In the absence of a legal representative or other authorized person, the consular officer should take possession and dispose of the personal estate, provided that the laws of the host country, as well as the laws of the country of the ship's registry, permit.

g. Seamen

See Chapter 7 FAM 700 : Shipping and Seamen, section 7 FAM 714 , for procedures governing the disposition of the personal estates of seamen who die while serving as members of the crew on an American vessel.

7 FAM 641.5 Information Sheet for Interested Parties

A sample information sheet should be furnished to interested parties regarding consular responsibilities in estates. The information sheet provided as section 7 FAM 641 Appendix A 641.5 , may be furnished to all interested parties who desire a summary of the consular officer's responsibilities for the personal estate of a deceased citizen. The information sheet may be reproduced locally.

7 FAM 641.6 Consular Agent Responsibility

A consular agent has no statutory authority to take possession of or dispose of the personal estate of a deceased citizen of the United States (22 U.S.C. 4195-4197 and 22 CFR 72.17) except under the immediate supervision, and as the agent, of the principal consular officer. The consular agent, therefore, should immediately report the circumstances to, and request instructions from, the principal consular officer.

The officer should assume immediately the responsibility for taking possession and disposing of the personal estate. However, a consular agent may be of valuable assistance to the consular officer and to the decedent's heirs by following the instructions of the supervisory consular officer about the temporary safe-keeping of the effects. In the event that the consular officer is not able to travel to the scene of the death on the same day, or within several days, the consular officer may ask the consular agent to:

(1) Accept and hold the personal effects of the deceased if the local authorities are unable or unwilling to do so;

(2) Request the authorities or other agency to turn over the effects to the consular agent, together with a signed inventory of same;

(3) Arrange for the safeguarding of those effects not taken into possession (for example, motor vehicles and household goods); and

(4) Ship the effects to the supervisory post, at the expense of the estate, for appropriate disposition.

7 FAM 642 TAKING POSSESSION OF EFFECTS

7 FAM 642.1 Actual Possession

A consular officer is normally expected to take possession of the following articles:

- (1) Convertible assets, consisting of currency, redeemable transportation tickets, and any instruments that are freely negotiable by the consular officer.
- (2) Perishable property, including foodstuffs having commercial value.
- (3) Luggage.
- (4) Wearing apparel.
- (5) Jewelry, heirlooms, and other articles of sentimental value.
- (6) Non-negotiable instruments, defined as any document or instrument not saleable or transferrable by the consular officer because it requires either the signature of the decedent or action by, or endorsement of, the decedent's legal representative. Non-negotiable instruments include transportation tickets not redeemable by the consular officer, traveler's checks (see section 7 FAM 644.1 a), promissory notes, stocks, bonds, or other similar instruments, bank books (see section 7 FAM 642.3), and books showing deposits in savings and loan institutions.
- (7) Miscellaneous personal effects.
- (8) Personal documents.

7 FAM 642.2 Nominal Possession

Although 22 U.S.C. 4195 (see section 7 FAM 640 Appendix A 640.3) places no limitation on the nature and extent of the personal property that should be taken into actual possession by the consular officer, due to the problems created by attempting to store large items on the premises of the post, it is necessary to limit the size and nature of these items.

As provisional conservator, the consular officer normally is not expected to take physical possession of large articles of personal property which may be found in residences and places of storage, such as furniture, household effects, and bulky works of art. Neither is the consular officer normally expected to take physical possession of motor vehicles, aircraft and watercraft, or livestock. Large articles of personal property should be listed separately from the Inventory of Effects (see section 7 FAM 643.2), and they generally do not need to be appraised. The property should be safeguarded by police and/or court seals. If this is not possible, the property should be secured by affixing the consular seal (see section 7 FAM 642.6) on the premises or on the property, provided the laws of the country permit, or by taking reasonable steps to ensure that such items are placed in safekeeping at the expense of the estate until action can be taken by the legal representative. When apartments or households are inventoried, small valuable articles should be removed from the dwelling and taken into possession for safekeeping.

In cases where the consular officer has merely to transfer the personal estate from the custody of a foreign official to the legal representative of the decedent, an inventory and appraisal of the effects are not required. The consular officer may accept the estate and a list of items being transferred from the foreign official and gives the foreign official a receipt for the items being transferred. The consular officer also prepares a statement of discharge from further accountability for the effects upon delivery to the legal representative for the latter's signature (see 7 FAM 642 Exhibit 642.2).

7 FAM 642.3 Bank Deposits Abroad

There is no express provision of law authorizing consular officers to withdraw or otherwise dispose of bank accounts and other assets deposited in financial institutions which have been left by deceased citizens in a foreign country. The existence of bank deposits, when known, should be reported to the legal representative, or other authorized person. The consul should inform that person of the general procedure required by the financial institution to withdraw funds and whether legal assistance may be desirable or necessary for this purpose. Under no circumstances does the consular officer withdraw funds from financial institutions without receiving specific instructions from the Department.

7 FAM 642.4 Safeguarding of Effects

All articles the consular officer takes into possession should be kept in a locked storage area on the premises of the post. However, if access to storage facilities on the post's premises cannot be restricted, for reasons beyond the control of the consular officer, the possibility of renting a safe deposit box at the expense of the estate for small, valuable articles (for example, savings passbooks, traveler's checks and deeds) should be explored.

7 FAM 642.5 Affixing the Consular Seal

The consular officer affixes seals on premises and property not in the consular officer's possession. This is done in coordination with, and with the consent of, the local authorities. The seal should be in the form of a typewritten notice in the local language, stating the following:

The personal property located on these premises (or the personal property behind this seal) is the property of the late _____, a citizen of the United States of America, and is under the custody of the (Embassy, Consulate General, Consulate) of the United States of America at (place), pending determination of a legal representative. This seal may not be broken nor the property under it removed or otherwise disturbed except by order of the competent judicial or other authorities of (country or political subdivision) or by an officer of the (post). All claims against the late _____ should be referred to the consular officer of the (post) who is currently serving in the capacity of provisional conservator of the estate.

(Name)

(Title)

Consular officers should not seal premises that are not owned by the decedent, such as a rented apartment or hotel room. Were such premises sealed, the owners could possibly file suit for loss of revenue. Instead, the contents should be removed and taken into possession or stored at the expense of the estate, as appropriate. If a case involves a suspicious death, local authorities may seal the premises, in which case the consular officer's role as provisional conservator is limited.

7 FAM 642.6 When Immediate Possession is Impractical

There is no obligation on the part of the consular officer to travel long distances, such as more than a day's journey, or to traverse difficult or dangerous terrain, such as jungle, swamp, frozen tundra, desert, or isolated stretches of land, solely for the purpose of taking physical possession of personal effects. The consular officer should use discretion in this regard and report unusual circumstances to the Department (CA/OCS/CCS). Generally, the consular officer communicates with the person, official, or organization having custody of the effects and, if the personal estate is small in size, requests that it be shipped to the post at the expense of the estate. The consular officer should request that the party who has custody of the effects include a list of the items that are shipped. Personal responsibility for the disposition of the items does not begin until the articles are in the actual possession of the officer.

If the personal estate is comprised of articles too bulky and too costly to ship to the Foreign Service post, the consular officer should request local authorities to safeguard the property until the officer or legal representative can travel to that area. Consular officers are reminded that when handling the personal effects of deceased U.S. citizens, unusual transportation or other special expenses incurred by officers or other employees of consular posts should not be borne by the U.S. Government (see 22 CFR 22.1, Item 93).

7 FAM 642.7 Property in Other Consular Districts

When the death of a citizen occurs in one district and the bulk of the personal estate is in another consular district, the consular officer in the district where the death of a citizen occurred should notify not only the next of kin of the decedent but the consular officer in whose district the personal effects are located, so that appropriate measures can be taken to safeguard the personal estate. If a qualified legal representative is not present in either consular district, the personal effects should be taken into possession by both consular officers, if effects are located in both districts, and an inventory of effects (see section 7 FAM 643.2) should be prepared by each officer.

When documentary proof of entitlement (see section 7 FAM 641.2) is furnished to one post, the consular officer should notify the other post so that the legal representative will not be required to furnish duplicate documentation to the other post. Cash resources from the personal estate in either consular district may be used to defray the costs of shipment of remains, and related expenses, provided authorization to do so has been received from the legal representative.

7 FAM 643 INVENTORY AND APPRAISAL

7 FAM 643.1 Inventory Requirement

22 U.S.C. 4195 (see section 7 FAM 640 Appendix A 640.3) requires that, after taking possession of the decedent's personal effects, the consular officer makes an inventory and carefully appraises the effects, with the assistance of two other persons. They, along with the consular officer, sign the inventory and certify to its accuracy.

7 FAM 643.2 Preparation of the Inventory

Whenever a qualified legal representative of the decedent is not present in the consular district, the consular officer should prepare an inventory of effects. The inventory should be prepared in quadruplicate, with additional copies made as necessary. It should contain the following elements:

a. A statement of the value in dollars of convertible currency, as of the date of the inventory (see section 7 FAM 643.5); and

b. A list of all other items, in appropriate categories, taking into consideration the following factors:

(1) If a category or entry shown on Exhibit 643.2 is not applicable, insert "N/A" on the inventory of effects. The category of "perishable items" should appear on the inventory only if foodstuffs having commercial value are included in the personal estate in the officer's possession. (The consular officer should dispose of food having no commercial value.)

(2) If articles of used clothing have little or no local marketable value, the consular officer should list them as miscellaneous clothing. However, regardless of the value, articles of clothing, with the exception of those causing embarrassment (such as extremely soiled or blood-stained garments), should be held, pending disposition instructions from the legal representative.

(3) Similarly, other personal effects of little or no commercial value, such as rolls of film, medicines and toilet articles, should be listed as miscellaneous items and should not be destroyed until specific instructions for their disposition have been received. If the cause of death is under investigation, it may become necessary to analyze prescription drugs found among a deceased person's effects.

c. All nonnegotiable instruments, such as traveler's checks and Treasury checks, should be listed separately and described completely.

(1) If currencies are not convertible currency in the host country, the consular officer should list the currency under the category of "non-negotiable" instruments.

(2) Treasury checks, regardless of the date of issue, should be included on the inventory. Checks issued prior to the payee's death may be returned to the issuing agency, in which case the consular officer should urge the legal representative to file a claim with the appropriate Federal agency for payment of benefits to which the beneficiary is entitled. Checks dated after the payee's death must be returned to the issuing agency. Refer to Chapter 7 FAM 500 : Federal Benefits for U.S. Citizens Abroad, for further guidance. The decedent's file should be annotated to reflect the date on which the treasury checks were returned.

d. In every case, the inventory and each copy are to be signed and dated by the consular officer and the two persons who assisted in the appraisal.

A sample Inventory of Effects is shown as 7 FAM 643 Exhibit 643.2 . Posts are authorized to reproduce the inventory locally.

7 FAM 643.3 Distribution of the Inventory

The inventory is prepared in quadruplicate, with additional copies made as appropriate. The consular officer distributes the inventory in the following manner:

(1) The original is submitted to the Department, ATTN: CA/OCS/ CCS, under cover of a transmittal slip, memorandum, or other form of communication;

(2) One copy is retained in the consular office files;

(3) Two copies are sent to the legal representative (one to return to the consular officer with items marked to reflect those to be sent to the legal representative or other disposition of effects, and to provide written instructions regarding the remaining effects; and one to be retained by the legal representative).

(4) One copy is sent to the General Accounting Office (GAO) if a disagreement exists between claimants, or if a claimant cannot be found or cannot establish entitlement (see section 7 FAM 646.3).

A sample letter to accompany the inventory is included as 7 FAM 643 Exhibit 643.3 .

7 FAM 643.4 Multiple Deaths

Sometimes in the case of multiple deaths it is not possible to identify all of the effects as the property of a particular individual. In such event, the consular officer should prepare a separate inventory of the unidentified effects, so that possible claimants may review the descriptions of those items with a view toward an amicable disposition. The names of all of the decedents should appear on the joint inventory to reflect that the articles have not been segregated as belonging to a particular decedent.

The joint inventory should describe in as much detail as possible each unidentifiable effect that has intrinsic value. Items of nominal value which may cause embarrassment or added sorrow to relatives generally should not be included. Those items would include, but are not limited to, burned, bloodstained, mutilated, obnoxious, or obscene items.

The letter which accompanies the joint inventory and/or separate inventory should include a statement indicating that an agreement among legal claimants on the disposition of items listed on the joint inventory must be reached before the items are released.

7 FAM 643.5 Appraisal of Effects

The personal effects should be appraised by the consular officer on the basis of their local market value in dollars at the date of the inventory. Care should be taken not to overestimate or underestimate the value of any item. In the event that the effects include articles of considerable value, such as rare coins, expensive jewelry, a stamp collection, objects of art, or items of possible historic or scientific value, the consular officer may consider using the services of a professional appraiser at the expense of the estate or legal representative.

In every case, the consular officer must obtain from the appraiser a statement showing the appraised value of the articles and a receipt for payment of the appraisal expenses. These documents should be included in the estate file of the decedent.

7 FAM 644 FINANCIAL TRANSACTIONS

7 FAM 644.1 Payment of Decedent's Debts

a. The consular officer should pay debts of the decedent which the consular officer is reasonably certain are legitimately owed, either in the country in which the death occurred or in the country in which the decedent was residing at the time of death, out of the cash resources of the personal effects taken into possession by the consular officer. Cash resources do not include traveler's checks or deposits in financial institutions in the foreign country. Consular officers should request specific instructions from the Department before attempting to obtain a refund of the traveler's checks.

b. Debts may include hotel, hospital, and doctor's bills, as well as expenses incidental to the disposition of the remains and the decedent's personal effects. A claim for damages for a negligent or wrongful act of the decedent is not a debt to be paid by the consular officer unless it has been decreed to be a debt of the decedent by a court. Any doubtful claim against the estate should be referred to the legal representative or other authorized person.

c. When the cash resources of the personal estate are not sufficient to pay legitimate debts, the consular officer should endeavor to obtain sufficient funds from the legal representative, next of kin, or other interested party before releasing the personal estate. If sufficient funds cannot be obtained from the sources previously mentioned, the consular officer should sell at auction such portion of the personal estate on hand as may be necessary to pay the legitimate debts (see section 7 FAM 644.2), unless the amount involved does not justify such expenditure.

d. Articles which are most marketable and, at the same time, least likely to be desired by the heirs of the decedent, should be sold first. Jewelry, heirlooms, and articles which may have sentimental value to relatives should be sold only in case of necessity, and in the order named. Prior to such sale, a next of kin or other interested party should be notified of the impending sale and should be afforded an opportunity to buy the items.

e. If the consular officer must sell a motor vehicle, aircraft, or watercraft, the officer must ensure compliance with applicable registration requirements so that a good title is passed to the purchaser. A complete record of all sales transactions, such as the local advertisement, and bill of sale, should be made a part of the decedent's file.

7 FAM 644.2 Auction

A newspaper advertisement, written requests for bids from any interested party, or the services of a professional auctioneer may serve the purpose of ensuring an impartial sale. If the estate does not justify the expenditures for the services of a professional auctioneer, the consular officer should solicit bids by placing notices on the bulletin board in an appropriate area of the Foreign Service post. If no bids are received within a specified period of time, the consular officer may either donate to a charitable organization or destroy articles having no commercial or sentimental value, such as used clothing. A copy of the notice and memorandum to the effect that no bids were received, should be included in the estate file.

7 FAM 645 FINAL STATEMENT OF ACCOUNT

7 FAM 645.1 Purpose

The Final Statement of Account serves to document financial transactions for the disposition of the remains as well as the disposition of personal effects. The statement should clearly describe the assets received and the manner in which the assets have been disbursed. It should be mathematically accurate; that is, all receipts must equal disbursements; all entries should be expressed in the equivalent of U.S. dollars.

7 FAM 645.2 Preparation of Final Statement of Account

The final statement should be prepared in triplicate with additional copies made, as necessary. The original and all copies must be signed, sealed, and dated. Item numbers are keyed to the sample form shown in 7 FAM 645 Exhibit 645.2 . Posts are authorized to reproduce the form locally.

a. Under the receipt column, the amount of the trust fund established in the Citizens Emergency Center of the Department for preparation and disposition of the remains is included. Funds sent directly to the post by a depositor for preparation and shipment of the remains and for payment of local debts, such as hospital and hotel bills, also should be shown in the receipts column of the final statement. Consular officers should consult with the post's budget and fiscal officer for appropriate accounting and fiscal data for handling these funds.

b. If a balance remains in the trust fund after all expenses have been paid (normally expenses incurred solely for the disposition of remains), the budget and fiscal officer cables the Department (M/COMP/FO/AD/SAC), to refund the unused balance of the trust fund. A trust fund established solely for disposition of the remains should not be used to pay other debts, unless the depositor authorizes the consular officer to use remaining funds for such purposes, such as to defray hospital and hotel bills.

c. Under convertible assets of the Inventory of Effects (See 7 FAM 643 Exhibit 643.2) the consular officer should include funds for disposition of the remains and for payment of local debts such as hospital and hotel bills, which are sent directly to the post rather than through the Department's Citizens Emergency Center. These funds should be deposited in the post's Suspense Deposits Abroad (SDA) account. The consular officer should refer to the budget and fiscal officer and to 4 FAM 396.3-4 for the operation of the SDA account.

d. Funds that are sent to the post and deposited in the SDA account to be used to pay for a particular expense should not be commingled with currency found among the personal effects, unless the consular officer is reasonably satisfied that the depositor of these funds and the person who is entitled to receive the effects are one and the same. A suspense account, like trust accounts, should not be used to pay debts that are not specified by depositor to be paid by the consular officer.

e. If a balance remains in the depositor's account after all specified debts have been paid, a U.S. Treasury check or commercial dollar instrument payable to the depositor is issued by the budget and fiscal officer. Under no circumstances should the consular officer use a personal check. The balance of currency found among the effects, if not used to pay local debts, should also be converted to dollars in the form of a U.S. Treasury check or commercial instrument payable to the legal representative. If the depositor and the legal representative are one and the same, one check may be issued.

f. If the post is not authorized to issue U.S. Treasury checks, and the Regional Finance Center is requested to do so, the Center should be given specific instructions to return the processed check to the post, not to the payee. Make sure that the Treasury check is mailed with the Final Statement of Account, not separately. Unless the check is accompanied by the Final Statement of Account, which indicates the manner in which funds were used, recipients of checks will have no documentation of financial transactions made against the decedent's personal estate.

7 FAM 645.3 Distribution

The consular officer distributes the Final Statement of Account as follows:

- a. The original is submitted to the Department, ATTN: CA/OCS/CCS (plus appropriate geographic division symbol;
- b. One copy is retained in the estate file at the post; and
- c. One copy is sent to the legal representative.

7 FAM 646 RELEASE OF ESTATE

The consular officer should release the personal effects of a decedent only to a person who by virtue of court appointment or relationship is entitled to receive them. Satisfactory proof of entitlement may be by a certified copy of Letters Testamentary, Letters of Administration, or an Affidavit of Surviving Spouse or Next of Kin, if the estate is of minimal value so as not to warrant the expense of probate proceedings and there is no dispute between potential claimants. Letters Testamentary and Letters of Administration are primary evidence of the authority's right to take possession of the personal estate and are superior to an Affidavit of Surviving Spouse or Next of Kin.

7 FAM 646.1 Letters Testamentary and Letters of Administration

Letters Testamentary and Letters of Administration are issued by courts which have probate jurisdiction throughout the United States. Persons who seek authority to act as executors or administrators petition the court for letters which may vary slightly in form. Examples are found in 7 FAM 646 Exhibit 646.1 , pages 1 and 2.

7 FAM 646.2 Affidavit of Surviving Spouse or Next of Kin

a. When a person dies intestate (without a will) and the personal estate in the consular officer's possession consists only of clothing and/or other articles of minimal value, the consular officer may accept an affidavit from the decedent's surviving spouse or next of kin as satisfactory evidence of entitlement. For guidelines as to the order of succession in intestate cases, refer to the section of the law digests in the Martindale-Hubbell Law Directory.

b. Consular officers may forward a blank affidavit as a sample of acceptable documentary evidence to the surviving spouse and probable heirs for consideration.

c. A sample affidavit appears as 7 FAM 646 Exhibit 646.2 . The form should be adapted as necessary and reproduced locally.

7 FAM 646.3 Action in Cases of Disagreements

Responsibility for the resolution of claims rests with the contending parties. Neither the consular officer nor the Department has the responsibility to mediate contending claims. If multiple claimants demand delivery of the personal estate in the consular officer's possession, the officer should not deliver the estate to any claimant until an agreement in writing has been reached or until such time as the dispute is settled by a court of competent jurisdiction. The consular officer should advise claimants that if an agreement has not been reached within 1 year from the date of the decedent's death, the effects will be sold and the residue of the estate will be transferred to the General Accounting Office (GAO). See section 7 FAM 643.3 , item (4).

7 FAM 646.4 Disposal of Estate After 1 Year

If after 1 year the consular officer has not received satisfactory proof of entitlement to terminate the officer's responsibilities as "provisional conservator," the consular officer should take the following action before transferring the residue of the personal estate to the General Accounting Office.

a. The consular officer should, after notification in writing to all parties, sell at auction for the best possible price (see section 7 FAM 644.2) all personal effects, including effects not previously taken into physical possession, except non-negotiable instruments, articles of sentimental value, or personal documents. See section 7 FAM 643.2 .

b. If the effects not previously taken into custody include motor vehicles or other similar items, the consular officer should take care to ensure that title to the property was vested in the decedent and that applicable registration requirements are met in order to pass good title to the subsequent purchaser.

c. Documentation in the form of a complete record of transactions, including all sales and copies of bills of sales, receipts from charitable organizations, and a list of items destroyed, if any, should be included in the records of the estate sale.

d. Proceeds from the sales should be converted to a U.S. Treasury check payable to the General Accounting Office or other commercial dollar instrument.

e. The following items should be transferred to the General Accounting Office, which is charged with the responsibility by U.S. law for acting as conservator of personal estates of deceased citizens (see 22 U.S.C. 4195 in section 7 FAM 640 Appendix A 640.3): money market certificates, savings account passbooks, bills of exchange, promissory notes, bank checks, and other negotiable instruments in the form of money, stocks, bonds, deeds of trust, articles of sentimental value such as photographs, letters, family Bible, and proceeds from the sale of all other personal effects. Proceeds from the sale of effects must be in the form of a U.S. Treasury check payable to the order of the GAO.

f. Procedures for transferring the residue of an unclaimed estate of a deceased U.S. citizen to the GAO are included in section 7 FAM 646.6 .

g. Effects without sentimental or local market value should be donated to a charitable organization or be disposed of otherwise.

7 FAM 646.5 Shipment to the United States

a. The personal effects, not merchandise, of U.S. citizens who die in other countries are exempt from duty when imported into the United States or its insular possessions, provided that title at the time of importation is in the estate of the deceased U.S. citizen (see 19 U.S.C. 1202, Schedule 8, Part 2, Subpart A, Item 815). This provision of the law does not apply to the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam, because the laws and regulations applicable on these islands control there.

b. When the consular officer is requested to ship the effects of a personal estate in the officer's possession to the United States, the officer should deliver them to a forwarding company selected by the legal representative with the assistance of the consular officer. To facilitate clearance by U.S. Customs, the consular officer must prepare a consular certificate of personal effects to accompany the personal effects, identifying the estate and indicating its nature (see 7 FAM 646 Exhibit 646.5 b).

If the entire shipment is covered by a single bill of lading, a certificate attached to the original bill of lading covering the shipment would be sufficient; otherwise, a certificate should accompany each parcel, box, or case.

c. Extra copies of a bill of lading can serve as a receipt from the forwarding company. One copy is to be attached to the Final Statement and one copy retained in the estate file at post. If the value of the estate warrants shipment by registered or insured parcel post, or by other safe means covered by receipt, the estate may be shipped in this manner. Jewelry and other valuables should be packed separately in an envelope or box and sent by insured parcel post, if possible. In some countries where the postal system is unsafe, non-negotiable instruments and the Final Statement of Account may be sent to the legal representative by registered pouch through the Department.

NOTE: Section 7 FAM 646.5 does not apply to shipment of effects for transmission to the GAO.

7 FAM 646.6 Transfer of Estate to GAO Through the Department

a. Use of Diplomatic Pouch

The transmission of the residue of a personal estate to the General Accounting Office (GAO) through the Department (CA/OCS/CCS) may be accomplished by diplomatic pouch. In other cases, with the exception of non-negotiable instruments and the Final Statement of Account, the transmission of the residue of a personal estate by diplomatic pouch is generally prohibited (see 5 FAM 332.4). The residue of an estate will consist of those articles listed in sections 7 FAM 646.4 a,b, and 7 FAM 646.4 e.

NOTE Wearing apparel, luggage, and other miscellaneous effects should not be packaged for transmission to the GAO. Any unusual circumstances may be reported to the Department for guidance.

b. Accompanying Documents

When the residue of a personal estate is being transmitted to the GAO, the following documents should accompany the shipment:

- (1) Report of Death on form OF-180 (see section 7 FAM 231);

- (2) Inventory of Effects; and
- (3) Final Statement of Account.

c. Accompanying Memorandum

A memorandum that describes the efforts made by the consular officer to deliver the personal effects to a legal representative or other authorized person should be provided the GAO. The last U.S. address of the decedent, if known, should be included. The memorandum should be addressed to: Division of Claims, Accounting and Financial Management, General Accounting Office, Washington, D.C. 20548.

d. Packaging and Mailing

The outside of the parcel(s) should be addressed to: CA/OCS/CCS/ (plus appropriate geographic bureau symbol), Department of State, Room 4817, Washington, D.C. 20520 and in all cases should be sent through the pouch by registered mail. When received at the Department, Citizens Consular Services will mail the parcel by U.S. registered mail to the GAO. The Department will neither open nor verify the contents of the parcels. Therefore, the consular officer must ensure that parcels are mailed with the appropriate documents.

7 FAM 647 FEES

With the exception of unusual travel or other special expenses, no fees are prescribed in the Tariff of Fees for services in connection with the estate of a deceased citizen. See items 70-73 and 93 on the Schedule of Fees for Consular Services on "decedents and decedent's estates", found in section 7 FAM 052 , 22 CFR 22.1, and in reprint FS-425, Schedule of Fees for Consular Services, which is available from the Bureau of Consular Affairs (CA/EX/AG).

7 FAM 648 PERSONAL ESTATE ACTION SUMMARY

Consular officers will find a sample summary record on the disposition of personal estates to be a useful tool (see 7 FAM 648 Exhibit 648). The sample provides a systematic approach to handling personal estate cases. Although not mandatory, use of the summary is recommended, because consular officers are frequently asked to furnish such information. For ready reference, it is suggested that a copy of the list be attached to the inside front cover of the consular officer's estate folder.

7 FAM 649 UNASSIGNED

7 FAM 641 Exhibit 641.2

(TL:CON-7; 7-30-84)

Sample of A Receipt: Transfer of Accountability from One Consular Officer to Another

RECEIPT	
TRANSFER OF ACCOUNTABILITY FROM ONE CONSULAR OFFICER TO ANOTHER	
<p>The receipt should be prepared in triplicate and disposed of as follows:</p> <ul style="list-style-type: none">a. The original placed in the estate file at the post;b. The duplicate retained by the departing officer; andc. The triplicate forwarded to the Department (CA/OCS/CCS). <p>FAILURE TO COMPLY WITH THESE INSTRUCTIONS MAY RESULT IN A CIVIL SUIT AGAINST A CONSULAR OFFICER WHO SHOULD NOT HAVE BEEN HELD LEGALLY ACCOUNTABLE FOR ANY NEGLIGENT HANDLING OF THE ESTATE.</p>	
<p>Place: <u>Lima, Peru</u></p> <p>Date: <u>December 1, 1983</u></p>	
<p>Received from <u>John S. Sanchez, Vice Consul</u>, as (Name and title of departing Consular Officer)</p> <p>provisional conservator, the personal estate, held in the</p> <p>American <u>Embassy Lima</u> and covered by inventory dated (Name of post)</p> <p><u>September 22, 1983</u>, of <u>David M. Peterson</u>, (Date) (Name of decedent)</p> <p>a United States citizen who died on <u>September 15</u> 1983, (Date)</p> <p>at <u>Trujillo</u>, <u>Peru</u>. (City) (Country)</p> <p>The cash balance due the estate as of today's date, in the amount of U.S. \$ <u>198.00</u>, is deposited in <u>Suspense Account</u> <u>No. 13564</u>. (Name of the account and number, if any, where funds have been deposited. Consult with budget and fiscal officer for this information if not in estate file.)</p>	
(SEAL)	<p><u>/s/ [Signature]</u> (Signature of succeeding Consular Officer)</p> <p><u>Consul of the United States of America</u> (Title of Officer)</p>

7 FAM 642 Exhibit 642.2

(TL:CON:7; 7-30-84)

Sample of a Receipt: Transfer of Custody of Personal Estate from Host Country Official to Consular Officer

RECEIPT:

TRANSFER OF CUSTODY OF PERSONAL ESTATE
FROM HOST COUNTRY OFFICIAL TO CONSULAR OFFICER

Rio de Janeiro, Brazil

(Place)

March 14, 1984

(Date)

Today I received from Mario da Silva, assistant chief, 16th police
(Name and title of host country official)

precinct in Rio de Janeiro, (a) the personal estate, held

in the Hotel Casablanca, and (b) the attached list of
(location)

effects, dated March 13, 1984, of Humberto Sanchez,
(Name of decedent)

a United States citizen who died on March 12, 1984 at
(Date)

Rio de Janeiro

(City)

Brazil

(Country)

/s/ [Signature]

(Signature of consular officer)

Geraldine Schwartz

(Typed name of consular officer)

Vice Consul

(Title of consular officer)

(SEAL)

7 FAM 643 Exhibit 643.2

SAMPLE OF AN INVENTORY OF EFFECTS

PAGE <u>1</u> OF <u>2</u>					
AMERICAN EMBASSY at ATHENS INVENTORY OF EFFECTS ESTATE OF <u>JAMES DONALDSON</u> DATE OF DEATH <u>AUGUST 30, 1981</u>					
QUANTITY	DESCRIPTION OF EFFECTS	VALUE IN U.S. \$			
<u>CONVERTIBLE ASSETS</u>					
4,407	Greek drachmas found with effects U.S. currency found with effects	\$ 90.00 2.07			
<u>LUGGAGE</u>					
1	Green "Samsonite" medium-sized suitcase	10.00			
1	Burgundy "M/M Verdi" clothing bag	15.00			
<u>WEARING APPAREL</u>					
1	Beige "Mountain Goat" ski jacket	15.00			
3	Long sleeve sweaters: brown, green red	nil			
	Miscellaneous clothing	nil			
<u>MISCELLANEOUS PERSONAL EFFECTS</u>					
1	Black vinyl toilet kit with miscellaneous contents	nil			
1	Blue "Jacques Bloumel" wallet with identification cards and photographs	nil			
	Other miscellaneous effects of no local market value	nil			
<u>JEWELRY AND ARTICLES OF SENTIMENTAL VALUE</u>					
1	"Seiko" quartz wristwatch, yellow-colored band	15.00			
1	Yellow-colored wedding band, marked "10-K"	5.00			
1	Diary	nil			
AMOUNT CARRIED FORWARD		\$152.07			
CERTIFICATION: The above mentioned articles have been examined by us, and we hereby certify that the value placed after each article listed is a fair and just appraisal. <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> DATE September 9, 1981 September 9, 1981 September 9, 1981 </td> <td style="width: 33%; vertical-align: top;"> SIGNATURE /s/☉□☼■■ℳ ☼□☿)(■•□■ /s/℞☼)(● ☼□●●)(■• /s/☼)(☼☼☼☼●●ℳ ☼◆☼☼☼■• </td> <td style="width: 33%; vertical-align: top;"> TITLE Vice Consul Admin. Officer FSN </td> </tr> </table>			DATE September 9, 1981 September 9, 1981 September 9, 1981	SIGNATURE /s/☉□☼■■ℳ ☼□☿)(■•□■ /s/℞☼)(● ☼□●●)(■• /s/☼)(☼☼☼☼●●ℳ ☼◆☼☼☼■•	TITLE Vice Consul Admin. Officer FSN
DATE September 9, 1981 September 9, 1981 September 9, 1981	SIGNATURE /s/☉□☼■■ℳ ☼□☿)(■•□■ /s/℞☼)(● ☼□●●)(■• /s/☼)(☼☼☼☼●●ℳ ☼◆☼☼☼■•	TITLE Vice Consul Admin. Officer FSN			

CERTIFICATION: The above mentioned articles have been examined by us, and we hereby certify that the value placed after each article listed is a fair and just appraisal.

Vice Consul
Admin. Officer
FSN

7 FAM 643 Exhibit 643.3

SAMPLE OF A LETTER TO ACCOMPANY INVENTORY OF EFFECTS

EMBASSY
OF THE
UNITED STATES OF AMERICA
Athens, Greece

September 12, 1981

Mrs. Janet Donaldson
1375 Logan Street
Milwaukee, Wisconsin 53207

Dear Mrs. Donaldson:

We have completed the Foreign Service Report of Death for your late husband and are enclosing a copy for your use. The original is being forwarded to the Department of State in Washington, D.C.

Also enclosed, in duplicate, is the inventory of your husband's effects which we have taken into custody. Whenever consular officers take possession of personal effects of deceased U.S. citizens, the officers are required by U.S. law, before releasing the effects, to satisfy themselves as to the right of persons claiming such effects to receive them. Satisfactory evidence of a person's entitlement to the personal effects is normally supplied in the form, of Letters Testamentary if the deceased person left a will, or in the form of Letters of Administration if the deceased person left no will.

Under the circumstances of your husband's death, it is believed that an affidavit executed by you will be sufficient evidence of your right to receive your husband's effects. A sample form of the affidavit which will meet the Embassy's requirements is enclosed for your possible use. We would appreciate receiving the complete affidavit promptly.

When returning the affidavit, please provide instructions for the disposition of your husband's effects in our possession. You may prefer simply to return one of the copies of the inventory of effects, designating those items you wish to receive and adding instructions for the remaining items. Many relatives of deceased U.S. citizens find transportation expenses prohibitive and choose to donate clothing, luggage and other items to charitable organizations in Greece.

We wish to express our deepest sympathy in the loss of your husband and to assure you of our desire to assist you in any appropriate manner. Should you wish further information about your late husband's effects, do not hesitate to contact me or the Department of State, Washington, D.C. on (202) 632-3444.

Sincerely yours.

/s/  

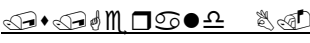
Gerald B. Hammond
American Consul

Enclosures:

1. Report of Death.
2. Sample Affidavit of Surviving Spouse or Next of Kin
3. Inventory of Effects (2 copies)

7 FAM 645 Exhibit 645.2

SAMPLE OF A FINAL STATEMENT OF ACCOUNT

PAGE <u>1</u> OF <u>2</u>		
AMERICAN EMBASSY at ATHENS INVENTORY OF EFFECTS ESTATE OF <u>JAMES DONALDSON</u> DATE OF DEATH <u>AUGUST 30, 1981</u>		
	RECEIPTS DISBURSEMENTS (value in U.S. \$)	DISBURSEMENTS (value in U.S. \$)
4,407 Greek drachmas found with effects U.S. currency found with effects. Inventory value of luggage, wearing apparel, miscellaneous personal effects, jewelry and articles of sentimental value Inventory value of nonnegotiable instruments Received from Janet Donaldson, 1375 Logan Street, Milwaukee, Wisconsin via OCS trust account no. 370829 for disposition of remains Money order sent directly to post from Janet Donaldson for payment of hotel and hospital bills <u>TOTAL RECEIPTS</u> _____	\$ 90.00 2.07 60.00 4,230.00 3,000.00 439.00 7,821.07	 \$ 350.00 89.00 20.00 2500.00 49.00
EXCHANGE RATE \$1.00 EQUALS <u>48.97</u> drachmas <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <u>_____</u> (SEAL) </div> <div style="width: 30%; text-align: center;"> <u>October 30, 1981</u> Date </div> <div style="width: 30%; text-align: right;">  <u>Gerald B. Hammond, Consul</u> Signature and Typed Name and Title of Consular Officer Completing Report </div> </div>		

AMERICAN EMBASSY at ATHENS
 INVENTORY OF EFFECTS
 ESTATE OF JAMES DONALDSON
 DATE OF DEATH AUGUST 30, 1981

	RECEIPTS DISBURSEMENTS (value in U.S. \$)	(value in U.S. \$)
Inventory value effects donated to American Relief Organization (authorized by Janet Donaldson per letter dated 10/23/81)		\$ 40.00
Inventory value of nonnegotiable instruments sent to Janet Donaldson on 11/13/81 via APO insured parcel post		4,230.00
Cost of mailing nonnegotiable instruments		6.00
Unused portion of trust account no. 370829 to be refunded to Janet Donaldson through the Department of State		500.00
Balance due estate of James Donaldson (Treasury check no. 2,304,749,812 payable to Janet Donaldson)		37.50
<u>TOTAL DISBURSEMENT</u>		7,821.07
TOTAL OF COLUMNS	\$7,821.07	\$7,821.07

EXCHANGE RATE \$1.00 EQUALS 48.97 drachmas


(SEAL)

October 30, 1981
 Date


Gerald B. Hammond, Consul
 Signature and Typed Name
 and Title of Consular
 Officer Completing Report

Sample of Letters Testamentary

Sample of Letters Testamentary

[USED ONLY IN TESTATE CASES WHEN DEATH OCCURRED PRIOR TO JANUARY 1, 1981.]

Form No. P.D.-30

Superior Court of the District of Columbia
PROBATE DIVISION

DISTRICT OF COLUMBIA

To wit:

THE UNITED STATES OF AMERICA

To all persons to whom these presents shall come,

GREETING:

Know ye, THAT THE LAST WILL AND TESTAMENT OF

late of the _____, deceased,
having been exhibited, proved, and admitted to probate and record by said Court, and duly
recorded in the office of the Register of Wills for the District of Columbia, the Clerk of said
Division, Administration of all the money, goods, chattels, rights and credits of the said
deceased was thereupon by said Court, on the _____ day
of _____, A. D. 19____, granted and committed unto

and _____
who, as _____ of the _____ of
said deceased, first executed an undertaking with good and sufficient security, approved by
the said Court in the sum of _____ Dollars,
conditioned for the _____

and took the oath prescribed and required by law; and whose appointment is unrevoked and
still in force.

Witness, the Honorable _____

Chief Judge of said Court, this _____ day

of _____, A. D. 19____

Attest:

Register of Wills for the District of Columbia,
Clerk of the Probate Division

Case No. _____

J-4402a

Sample of Letters Administration

Sample of Letters of Administration

Used in both intestate and testate cases when death occurred on or after January 1, 1981.

Superior Court of the District of Columbia

PROBATE DIVISION

LETTERS OF ADMINISTRATION

Estate No.

To all persons who may be interested in the Estate of

....., *deceased:*

Administration of the Estate of the deceased has been granted on

to

The appointment is in full force and effect as of this date.

WITNESS:

DATED

.....
*Register of Wills
Clerk of the Probate Division*

DOCUMENT INVALID WITHOUT EMBOSSED COURT SEAL



7 FAM 646 Exhibit 646.2c

(TL:CON-7; 7-30-84)

Sample of an Affidavit of Surviving Spouse or Next of Kin

AFFIDAVIT OF SURVIVING SPOUSE OF NEXT OF KIN

VENUE .

Wisconsin)
(State))
) ss.
Milwaukee)
(City)

I, Janet Leigh Donaldson , being duly sworn according to
(First, middle, and last or maiden name)

law, declare that I reside at 1375 Logan St. , Milwaukee, WI 53207
(Street address, city, and state)

and that on August 30, 1981 , James Donaldson
(Month, day, year of death) (Name of person who died)

had permanent legal residence at 1375 Logan Street, Milwaukee .
(Complete address of the person who died)

Wisconsin 53207 , having made no valid will.
(Address, continued)

I am the widow and as
(Specify: widow, widower, eldest child, father, mother, other)

such am entitled to receive the decedent's estate under the laws of

Wisconsin .
(Name of state in U.S. where decedent last had permanent legal residence.)

NAME(S) OF SURVIVORS, IN ORDER OF KINSHIP

Please insert the names of living relatives in the following order of
relationship: surviving spouse, children, father and/or mother, brothers and/or
sisters:

	<u>Name</u>	<u>Date/Place of Birth</u>	<u>Address</u>	<u>Relationship</u>
1.	<u>Janet L. Donaldson</u>	<u>10/24/29</u>	<u>1375 Logan Street,</u>	
		<u>Wisconsin</u>	<u>Milwaukee, WI 53207</u>	<u>Widow</u>
2.	<u>Ron Donaldson</u>	<u>5/18/49</u>	<u>170 Lock Road</u>	
		<u>Ohio</u>	<u>Davenport, Ill.</u>	<u>Son</u>

	<u>Name</u>	<u>Date/Place of Birth</u>	<u>Address</u>	<u>Relationship</u>
3.	<u>Susan D. Pease</u>	<u>7/19/51</u>	<u>179 Bridge Ave.</u>	<u> </u>
	<u> </u>	<u>Ohio</u>	<u>Atlanta, Georgia</u>	<u>Daughter</u>
4.	<u>Shirley D. Adams</u>	<u>5/20/24</u>	<u>338 King Street</u>	<u> </u>
	<u> </u>	<u>Wisconsin</u>	<u>Sentra, Texas</u>	<u>Sister</u>
5.	<u>Alfred Donaldson</u>	<u>12/24/26</u>	<u>10715 Spruce St</u>	<u> </u>
	<u> </u>	<u>Wisconsin</u>	<u>Philadelphia, PA</u>	<u>Brother</u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
7.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
9.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
10.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

/s/


(Signature of affiant)

Subscribed and sworn to before me by Janet Leigh Donaldson
 (Typed name of affiant)

at 699 Keefe Ave., Milwaukee, WI on September 20, 1981
 (Address of notary public)53212 (Date)

/s/


(Signature of notary public)

(SEAL)

Peter McNauthtomson
 (Typed name of notary public)

7 FAM 646 Exhibit 646.5b

Sample of Certificate of Personal Effects

CERTIFICATE OF PERSONAL EFFECTS

VENUE.

United States of Brazil)
(Country))
)
State of Sao Paulo)
(State, province, etc.))
)
Sao Paulo)
(City))
Consulate General of the)
United States of America)
(Name of consular post)

ss.

I Donald W. Johnson , Vice Consul
(Name of consular officer)

of the United States of America in and for the consular district

of Sao Paulo, Brazil , duly commissioned and
(City, country)

qualified, hereby certify that this shipment, consisting of



one parcel, covered by Bill of
(Number)

Lading Number 343649 , contains only the personal
(Digits)

effects of Jonathan A. Wright .
(Full name of decedent)

a citizen of the United States who died on April 1, 1984
(Date)

at Llama Hospital, Sao Paulo .
(Place)

(Signature of consular officer)

Donald W. Johnson

(Typed name of consular officer)

Vice Consul of the United States of America

(Title of Officer)

(SEAL)

May 23, 1984

(Date)

7 FAM 648 Exhibit 648

(TL:CON-7; 7-30-84)

Sample of a Personal Estate Action Summary

ACTION SUMMARY: PERSONAL ESTATE

1. Name of decedent and date of death: Julio Sanchez: 3/27/84 .
2. Personal effects taken into possession on 3/30/84
(Date)

from Hotel Nacional, Avenida Niemayer, Rio de Jan .
(Address and person or organization)
3. Effects were inventoried on 4/2/84
(Date)
4. Inventory of Effects submitted to the Department on 4/6/84
(Date)

and to Milagros Sanchez on 4/6/84 .
(Next of kin or legal representative) (Date)
5. Affidavit of Spouse or Next of Kin received on 4/20/84 from Milagros Sanchez .
(Date) (Specify)
6. Payment of bills:

	<u>Received From</u>	<u>Amount</u>	<u>Balance Due</u>
Hotel	<u>Milagros Sanchez</u>	<u>\$120.00</u>	<u>0</u>
Hospital	<u>N/A</u>	<u></u>	<u></u>
Shipment of Effects	<u>Paid from cash found among effects.</u>	<u></u>	<u></u>
Other	<u></u>	<u></u>	<u></u>
	<u></u>	<u></u>	<u></u>
	<u></u>	<u></u>	<u></u>
	<u></u>	<u></u>	<u></u>
7. Department requested to release balance of trust
No. 711007; \$69.00 on 4/30/84 .
(Account No. and amount) (Date)
8. Final Statement of Account submitted to Department (CA/OCS/CCS)
on 5/3/84 and to Milagros Sanchez on
(Date) (NOK or legal representative)
5/3/84 .
(Date)

9. Check for balance of currency found with effects, sale of effects, or funds submitted directly from Milagros Sanchez
(Legal rep. or NOK)
- sent on 5/3/84 to Milagros Sanchez.
(Date) (Legal representative or NOK)
10. Residue of personal estate and accompanying documents pouched to Department on N/A under registry receipt
(Date)
- number N/A for transmission to GAO.
(Number, in digits)

7 FAM 641 Appendix A 641.5

Information Concerning the Personal Estate of a Deceased U.S. Citizen



United States Department of State

Washington D.C. 20520

INFORMATION CONCERNING THE PERSONAL ESTATE OF A DECEASED U.S. CITIZEN

The authority and responsibilities of a U.S. consular officer concerning the personal estate of a citizen who dies abroad or who resided abroad at the time of death are based on U.S. laws, treaties, and international practice. They are subject to the consent local authorities in the foreign country concerned.

Notification to Next of Kin

When a U.S. citizen dies abroad, and no legal representative is present in the country at the time of death, the consular officer usually notifies the decedent's next of kin by official telegram relayed through the Department of State in Washington, D.C. On the basis of instructions received from the legal representative or other qualified party, the consular officer arranges for the disposition of the remains.

Provisional conservator of the Estate

The consular officer also acts as provisional conservator of the decedent's personal effects, after receiving them from police officials, hospital authorities, tour managers, or other persons who have had temporary custody of the effects.

The consular officer usually takes physical possession of convertible assets, luggage, wearing apparel, jewelry, articles of sentimental value, non-negotiable instruments, personal documents, and other miscellaneous effects. The consular officer has no authority to withdraw funds from bank accounts in foreign countries or to obtain face value of traveler's checks.

If the personal effects are not located within a reasonable distance from the Foreign Service post, the consular officer will request the temporary custodian of the effects to send them to the post at the expense of the estate or the legal representative. The U.S. Government has no independent authority to pay for any expenses incurred relating to the effects of a deceased private citizen.

Large, bulky articles found in residences and apartment buildings are seldom taken into actual possession by the consular officer. However, reasonable steps are taken to ensure that the effects are adequately safeguarded until arrangements for disposition can be made by the legal representative.

The responsibilities of a consular officer as provisional conservator include taking possession of, inventorying, and

appraising the personal effects, paying local debts such as hospital and hotel bills from funds available in the estate or from funds received from the legal representative, and delivering the effects to the person who is entitled to receive them.

A legal representative, as relates to the personal estate of a deceased person, may be:

- (1) An executor appointed in testate proceedings;
- (2) An administrator appointed in intestate proceedings;
- (3) An agent of the executor or administrator, qualifying by power of attorney;
- (4) A surviving spouse;
- (5) A child of legal age;
- (6) A parent;
- (7) A sibling; or
- (8) Next of kin.

Entitlement to Receive Personnel Estate

The consular officer does not establish the ownership of nor entitlement to the personal estate of the person(s) who will receive it. Depending on the value of the estate and whether there is disagreement between potential claimants, the consular officer may require that a document issued under the seal and signature of a court official be submitted to establish a claimant's proof of entitlement to receive the effects. Satisfactory proof may take the form of "Letters Testamentary", which are issued by a U.S. court when a person has left a valid will, or "Letters of Administration", which are issued by a U.S. court when a person dies without a will or leaves no valid will. In most cases, when the value of the personal estate is not large, an affidavit of next of kin, in a form prescribed by the Secretary of State, is sufficient to effect release of the personal estate.

Shipment of Personal Effects

After the personal effects have been inventoried and documentary proof of entitlement has been furnished, the consular officer requests instructions from the claimant regarding shipment of the effects. Because of the high costs of shipment, many persons instruct the consular officer to ship only items of commercial and sentimental value and to donate the remaining effects to a local charity or otherwise dispose of them.

In some cases, the personal effects that a person wishes to have returned are delivered to a forwarding company selected by that person for shipment to a designated address. It is the responsibility of the forwarding company to obtain the necessary customs clearance from the country of departure. Additional customs clearance required by the United States at the port of entry is the responsibility of the person receiving the effects.

7 FAM 640 Appendix A 640.3

Excerpt 22 U.S.C. 4195-4197

(Page 1 of 3)

Excerpt, 22 U.S.C. 4195-4197

§ 4195

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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out in the Appendix to Title 5, Government Organization and Employees.

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

CROSS REFERENCES

Consular powers as to seamen extended to United States naval officers in certain instances, see section 5948 of Title 10, Armed Forces.

Other powers and duties of consular officers as to merchant seamen, see section 541 et seq. of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4191 of this title.

§ 4195. Estates of decedents generally; General Accounting Office as conservator

It shall be the duty of a consular officer, or, if no consular officer is present, a diplomatic officer, under such procedural regulations as the Secretary of State may prescribe—

First. To take possession and to dispose of the personal estate left by any citizen of the United States, except a seaman who is a member of the crew of an American vessel, who shall die within or is domiciled at time of death within his jurisdiction: *Provided*, That such procedure is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled, or that such privilege is accorded by established usage: *Provided further*, That the decedent shall leave in the country where the death occurred or where he was domiciled, no legal representative, partner in trade, or trustee by him appointed to take care of his personal estate. A consular officer or, in his absence, a diplomatic officer shall act as the provisional conservator of the personal property within his jurisdiction of a deceased citizen of the United States but, unless authorized by treaty provisions, local law, or usage, he shall not act as administrator of such personal property. He shall render assistance in guarding, collecting, and transmitting the property to the United States to be disposed of according to the law of the decedent's domicile.

Second. After having taken possession of the personal property, as provisional conservator, to inventory and carefully appraise the effects, article by article, with the assistance of two competent persons who, together with such officer, shall sign the inventory and annex thereto an appropriate certificate as to the accuracy of the appraised value of each article.

Third. To collect the debts due to the decedent in his jurisdiction and pay from the estate the obligations owed there by the decedent.

Fourth. To sell at auction, after reasonable public notice, unless the amount involved does not justify such expenditure, such part of the estate as shall be of a perishable nature, and after reasonable public notice and notice to next of kin if they can be ascertained by rea-

sonable diligence such further part, if any, as shall be necessary for the payment of the decedent's debts incurred in such country, and funeral expenses, and expenses incident to the disposition of the estate. If, at the expiration of one year from the date of death (or for such additional period as may be required for final settlement of the estate), no claimant shall appear, the residue of the estate, with the exception of investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value, shall be sold.

Fifth. To transmit to the General Accounting Office the proceeds of the sale (and any unsold effects, such as investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value), there to be held in trust for the legal claimant. If, however, at any time prior to such transmission, the decedent's legal representative should appear and demand the proceeds and effects in the officer's hands, he shall deliver them to such representative after having collected the prescribed fee therefor.

The Comptroller General of the United States, or such member of the General Accounting Office as he may duly empower to act as his representative for the purpose, shall act as conservator of such parts of these estates as may be received by the General Accounting Office or are in its possession, and may, when deemed to be in the interest of the estate, sell such effects, including bonds, shares of stock, notes of indebtedness, jewelry, or other articles, which have heretofore or may hereafter be so received, and pay the expenses of such sale out of the proceeds: *Provided*, That application for such effects shall not have been made by the legal claimant within six years after their receipt. The Comptroller General is authorized, for and in behalf of the estate of the deceased, to receive any balances due to such estates, to draw therefor on banks, safe deposits, trust or loan companies, or other like institutions, to endorse all checks, bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and take such other action as may be deemed necessary for the conservation of such estates. The net proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury to a fund in trust for the legal claimant and reported to the Secretary of State.

If no claim to the effects the proceeds of which have been so deposited shall have been received from a legal claimant of the deceased within six years from the date of the receipt of the effects by the General Accounting Office, the funds so deposited, with any remaining unsold effects, less transmittal charges, shall be transmitted by that office to the proper officer of the State or Territory of the last domicile in the United States of the deceased citizen, if known, or, if not, such funds shall be covered into the general fund of the Treasury as miscellaneous receipts on account of proceeds of deceased citizens, and any such remaining unsold effects shall be disposed of by the General Accounting Office in such manner as, in the judg-

Excerpt, 22 U.S.C. 4195-4197 -- Continued

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TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

§ 4197

ment of the Comptroller General, is deemed appropriate, or they may be destroyed if considered no longer possessed of any value: *Provided*, That when the estate shall be valued in excess of \$500, and no claim therefor has been presented to the General Accounting Office by a legal claimant within the period specified in this paragraph or the legal claimant is unknown, before disposition of the estate as provided herein, notice shall be given by publishing once a week for four consecutive weeks in a newspaper published in the county of the last known domicile of the deceased, in the United States, the expense thereof to be deducted from the proceeds of such estate, and any lawful claim received as the result of such advertisement shall be adjusted and settled as provided for herein.

(R.S. § 1709; Mar. 3, 1911, ch. 223, 36 Stat. 1083; June 10, 1921, ch. 18, § 304, 42 Stat. 24; July 12, 1940, ch. 618, 54 Stat. 758.)

CODIFICATION

R.S. § 1709 derived from act Apr. 14, 1792, ch. 24, § 2, 1 Stat. 255.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

The words "The General Accounting Office," were substituted in the fifth provision of this section, for the words "The Auditor for the State and other Departments" and "The Auditor" which were used in former sixth provision, presently fifth, by act June 10, 1921.

Act Mar. 3, 1911, added a sixth provision, the substance of which is presently incorporated in the second par. of the fifth provision.

Section was formerly classified to section 1175 of this title, and prior thereto to section 75 of this title.

AMENDMENTS

1940—Act July 12, 1940, amended section generally.

ADMINISTRATIVE ASSISTANCE IN ARRANGEMENTS FOLLOWING DEATH OF UNITED STATES CITIZEN ABROAD

Pub. L. 95-426, title I, § 121, Oct. 7, 1978, 92 Stat. 970, as amended by Pub. L. 97-241, title V, § 505(a)(2), (b)(1), Aug. 24, 1982, 96 Stat. 299, provided that: "The Congress finds that the Department of State should, in the performance of its consular duties, render all reasonable administrative assistance to a United States citizen who is making necessary arrangements following the death of another United States citizen abroad."

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

CROSS REFERENCES

Acceptance by consular officers of appointment from any foreign state as administrator, guardian, etc., see sections 4198 and 4199 of this title.

Duties of consular officers where seaman, dying out of United States, leaves money or effects not on board of his vessel, see section 624 of Title 46, Shipping.

Embezzlement by a consular officer of money, property, etc., of a citizen of the United States received by him made punishable, see section 4217 of this title.

Estates of Decedents, Department of State, Trust Fund, see section 1321(63) of Title 31, Money and Finance.

Permanent appropriation for payment of the proceeds of the personal estates of American citizens who die abroad, to their legal representatives, see section 1305 of Title 31.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4191 of this title.

§ 4196. Notification of death of decedent; transmission of inventory of effects

For the information of the representative of the deceased, the consular officer, or, if no consular officer is present, a diplomatic officer, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.

(R.S. § 1710; July 12, 1940, ch. 618, 54 Stat. 760.)

CODIFICATION

R.S. § 1710 derived from act Apr. 14, 1792, ch. 24, § 2, 1 Stat. 255.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1176 of this title, and prior thereto to section 76 of this title.

AMENDMENTS

1940—Act July 12, 1940, substituted "the consular officer, or, if no consular officer is present, a diplomatic officer," for "the consul or vice-consul,".

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

CROSS REFERENCES

Inventory directed to be taken, see paragraph "Second" of section 4195 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4191 of this title.

§ 4197. Following testamentary directions; assistance to testamentary appointee

When a citizen of the United States dies in a foreign country and leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer, or in his absence a diplomatic officer, within whose jurisdiction the death occurred, of the personal property in the foreign country which he possessed at the time of death, such officer shall, so far as the laws of the foreign country permit, strictly observe such directions if not contrary to the laws of the United States. If such citizen has named, by any lawful testamentary disposition, any other person than a consular officer or diplomatic officer to take charge of and manage such property, it shall be

Excerpt, 22 U.S.C. 4195-4197 — Continued

§ 4198

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

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the duty of the officer, whenever required by the person so named, to give his official aid in whatever way may be practicable to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country or treaty provisions permit, to protect the property of the deceased from any interference by the authorities of the country where such citizen died. To this end it shall be the duty of the consular officer, or if no consular officer is present a diplomatic officer, to safeguard the decedent's property by placing thereon his official seal and to break and remove such seal only upon the request of the person designated by the deceased to take charge of and manage his property.

(R.S. § 1711; July 12, 1940, ch. 618, 54 Stat. 760.)

CODIFICATION

R.S. § 1711 derived from act Aug. 18, 1856, ch. 127, § 28, 11 Stat. 63.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1177 of this title, and prior thereto to section 77 of this title.

AMENDMENTS

1940—Act July 12, 1940, amended section generally.

AMERICAN INSTITUTE IN TAIWAN

Employees of the American Institute in Taiwan authorized to assist and protect interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by this section, see section 1-201 of Ex. Ord. No. 12143, June 22, 1979, 44 F.R. 37191, set out as a note under section 3301 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4191 of this title.

§ 4198. Bond as administrator or guardian; action on bond

No consular officer of the United States shall accept an appointment from any foreign state as administrator, guardian, or to any other office or trust for the settlement or conservation of estates of deceased persons or of their heirs or of persons under legal disabilities, without executing a bond, with security, to be approved by the Secretary of State, and in a penal sum to be fixed by him and in such form as he may prescribe, conditioned for the true and faithful performance of all his duties according to law and for the true and faithful accounting for delivering, and paying over to the persons thereto entitled of all moneys, goods, effects, and other property which shall come to his hands or to the hands of any other person to his use as such administrator, guardian, or in other fiduciary capacity. Said bond shall be deposited with the Secretary of the Treasury. In case of a breach of any such bond, any person injured by the failure of such officer faithfully to discharge the duties of his said trust according to law, may institute, in his own name and for his sole use, a suit upon said bond and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue in due form; but if such party fails to recover in the suit, judgment shall be

rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered.

(June 30, 1902, ch. 1331, § 1, 32 Stat. 546.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1178 of this title, and prior thereto to section 78 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4199 of this title.

§ 4199. Penalty for failure to give bond and for embezzlement

Every consular officer who accepts any appointment to any office of trust mentioned in section 4198 of this title without first having complied with the provisions thereof by due execution of a bond as therein required, or who shall willfully fail or neglect to account for, pay over, and deliver any money, property, or effects so received to any person lawfully entitled thereto, after having been requested by the latter, his representative or agent so to do, shall be deemed guilty of embezzlement and shall be punishable by imprisonment for not more than five years and by a fine of not more than \$5,000.

(June 30, 1902, ch. 1331, § 2, 32 Stat. 547.)

CODIFICATION

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1179 of this title, and prior thereto to section 79 of this title.

CROSS REFERENCES

Embezzlement and theft, see section 641 et seq. of Title 18, Crimes and Criminal Procedure.

Embezzlement of fees or of effects of American citizens, see section 4217 of this title.

Felony as offense punishable by imprisonment for term exceeding one year, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 4200. Certification of invoices generally

No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied.

(R.S. § 1715.)

CODIFICATION

R.S. § 1715 derived from act Aug. 18, 1856, ch. 127, § 27, 11 Stat. 62.

Section was not enacted as part of the Foreign Service Act of 1980 which comprises this chapter.

Section was formerly classified to section 1180 of this title, and prior thereto to section 83 of this title.

7 FAM 640 Appendix A 640.4a

List of Signatories to the Vienna Consular Convention

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List of Signatories to the Vienna Consular Convention

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TREATIES IN FORCE

CONSERVATION (Cont'd)

Tanzania
Thailand
Tunisia
Tuvalu²
Union of Soviet Socialist Reps.
United Arab Emirates
United Kingdom³
United States
Uruguay
Venezuela
Zaire
Zambia
Zimbabwe

NOTES:

* To be effective for Algeria February 21, 1984; for Luxembourg March 12, 1984.

¹ With statement.

² See under country heading in the bilateral section for information concerning acceptance of treaty obligations.

³ Extended to Greenland and the Faroe Is. However, application as regards the Faroe Is. will only be accomplished at the time the authorities of the Faroe Is. will have enacted the appropriate legislation.

⁴ Applicable to West Berlin.

⁵ Applicable to Hong Kong, the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Bermuda, British Indian Ocean Territory, British Virgin Is., Falkland Is., Gibraltar, Montserrat, Pitcairn, St. Helena and Dependencies (Tristan da Cunha, Ascension Is.), Cayman Is.

Convention on the conservation of Antarctic marine living resources, with annex for an arbitral tribunal. Done at Canberra May 20, 1980; entered into force April 7, 1982. TIAS 10240.

States which are parties:

Argentina¹
Australia
Chile
European Economic Community
France¹
German Dem. Rep.
Germany, Fed. Rep.²
Japan
New Zealand
South Africa
Union of Soviet Socialist Reps.
United Kingdom
United States

NOTES:

¹ With declaration.

² Applicable to Berlin (West).

* To be effective January 5, 1984.

CONSULS

Convention relating to the duties, rights, prerogatives, and immunities of consular agents. Signed at Habana February 20, 1928; entered into force September 3, 1929; for the United States February 8, 1932.

47 Stat. 1976; TS 843; 2 Bevans 714; 155 LNTS 291.

States which are parties:

Brazil
Colombia

Cuba
Dominican Rep.¹
Ecuador
El Salvador
Haiti
Mexico
Nicaragua
Panama
Peru
United States
Uruguay

NOTES:

¹ With a statement.

Convention on consular relations. Done at Vienna April 24, 1963; entered into force March 19, 1967; for the United States December 24, 1969.

21 UST 77; TIAS 6820; 596 UNTS 261.

States which are parties:

Algeria
Antigua & Barbuda¹
Argentina
Australia
Austria
Bahamas, The
Bangladesh
Belgium
Benin
Bhutan
Bolivia
Brazil
Cameroon
Canada
Cape Verde
Chile
China
Colombia
Costa Rica
Cuba²
Cyprus
Czechoslovakia
Denmark² ³
Djibouti
Dominica¹
Dominican Rep.
Ecuador
Egypt²
El Salvador
Equatorial Guinea
Fiji³
Finland² ³
France³
Gabon
Germany, Fed. Rep.³ ⁴
Ghana
Greece
Grenada¹
Guatemala
Guyana
Haiti
Holy See
Honduras
Iceland
India
Indonesia
Iran
Iraq
Ireland
Italy²
Jamaica
Japan
Jordan
Kenya

Kiribati
Korea, Rep.
Kuwait
Laos
Lebanon
Lesotho¹
Liechtenstein
Luxembourg³
Madagascar
Malawi
Mali
Mauritius
Mexico²
Morocco²
Mozambique
Nepal
New Zealand
Nicaragua
Niger
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Romania³
Rwanda
St. Christopher & Nevis¹
St. Lucia¹
St. Vincent & the Grenadines¹
Sao Tome & Principe
Senegal
Seychelles
Solomon Is.¹
Somalia
Spain
Suriname
Sweden³
Switzerland
Syrian Arab Rep.²
Tanzania
Togo
Tonga
Trinidad & Tobago
Tunisia
Turkey
Tuvalu
United Arab Emirates
United Kingdom³ ⁵
United States
Uruguay
Upper Volta
Venezuela
Viet-Nam, Rep.⁶
Yugoslavia
Zaire

NOTES:

¹ See under country heading in the bilateral section for information concerning acceptance of treaty obligations.

² With reservation.

³ With a statement.

⁴ Applicable to Land Berlin.

⁵ Extended to Anguilla and territories under the sovereignty of the United Kingdom.

⁶ See Vietnam footnote under AUTOMOTIVE TRAFFIC: convention of September 19, 1949 (3 UST 3008; TIAS 2487; 125 UNTS 22).

List of Signatories to the Vienna Consular Convention — Continued

TREATIES IN FORCE

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CONSULS (Cont'd)

Optional protocol to the convention on consular relations concerning the compulsory settlement of disputes. Done at Vienna April 24, 1963; entered into force March 19, 1967; for the United States December 24, 1969.

21 UST 325; TIAS 6820; 596 UNTS 487.

States which are parties:

Antigua & Barbuda¹
Australia
Austria
Belgium
Denmark
Dominica¹
Dominican Rep.
Finland
France
Gabon
Germany, Fed. Rep.²
Grenada¹
Iceland
India
Iran
Italy
Japan
Kenya
Korea, Rep.
Laos
Liechtenstein
Luxembourg
Madagascar
Malawi
Mauritius
Nepal
New Zealand
Niger
Norway
Oman
Pakistan
Panama
Paraguay
Philippines
St. Christopher & Nevis¹
St. Lucia¹
St. Vincent & the Grenadines¹
Senegal
Seychelles
Solomon Is.¹
Suriname
Sweden
Switzerland
United Kingdom³
United States
Upper Volta
Viet-Nam, Rep.⁴

NOTES:

¹ See under country heading in the bilateral section for information concerning acceptance of treaty obligations.

² Applicable to Land Berlin.

³ Extended to Anguilla and territories under the sovereignty of the United Kingdom.

⁴ See Vietnam footnote under AUTOMOTIVE TRAFFIC: convention of September 19, 1949 (3 UST 3008; TIAS 2487; 125 UNTS 22).

CONTAINERS (See also CUSTOMS)

International convention for safe containers (CSC), with annexes. Done at Geneva December 2, 1972; entered into force September 6, 1977; for the United States January 3, 1979.

29 UST 3707; TIAS 9037.

States which are parties:

Argentina
Australia
Bahamas, The
Barbados
Belgium
Bulgaria¹
Byelorussian Soviet Socialist Rep.¹
Canada
Chile²
China
Cuba³
Czechoslovakia
Denmark³
France²
German Dem. Rep.¹
Germany, Fed. Rep.⁴
Guinea
Hungary
India
Israel
Italy
Japan
Korea
Liberia
Luxembourg
New Zealand³
Norway³
Poland
Romania¹
Saudi Arabia
South Africa
Spain
Sweden
Ukrainian Soviet Socialist Rep.¹
Union of Soviet Socialist Rep.¹
United Kingdom⁴
United States
Yemen (Sanaa)

Amendments:

April 2, 1981 (TIAS 10220).
June 13, 1983.

NOTES:

¹ To be effective for Cuba November 11, 1984; for Norway September 13, 1984.

² With statement.

³ With reservation.

⁴ Not applicable to Greenland and the Faroe Is.

⁵ Applicable to Berlin (West).

⁶ Not applicable to Cook Is. Niue and Tokelau Is.

⁷ Applicable to Isle of Man.

CONTINENTAL SHELF
(See under MARITIME MATTERS)

COPYRIGHT (See also PHONOGRAMS; the Appendix)

Convention on literary and artistic copyrights.¹ Signed at Buenos Aires August 11, 1910; entered into force October 31, 1912.

38 Stat. 1785; TS 593; 1 Bevans 758.

States which are parties:

Argentina
Bolivia
Brazil
Chile
Colombia
Costa Rica
Dominican Rep.
Ecuador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Panama
Paraguay
Peru
United States
Uruguay

NOTE:

¹ Replaces the convention of January 27, 1902 (35 Stat. 1934; TS 491; 1 Bevans 339), which remains in force as between the contracting parties and El Salvador.

Universal copyright convention with three protocols annexed thereto. Done at Geneva September 6, 1952; entered into force September 16, 1955.

6 UST 2731; TIAS 3324; 216 UNTS 132.

States which are parties:

Algeria¹
Andorra²
Argentina³
Australia
Austria
Bahamas, The
Bangladesh³ ⁴
Barbados
Belgium
Belize
Botswana⁵
Brazil
Bulgaria¹
Cameroon¹
Canada⁴ ⁶
Chile³ ⁶
Colombia¹
Costa Rica
Cuba³
Czechoslovakia⁶
Denmark
Dominican Rep.¹
Ecuador³
Fiji¹
Finland
France⁷

7 FAM 650 THROUGH 690 UNASSIGNED

(TL:CON-7; 7-30-84)